NOTES AND ABSTRACTS.

The Beginnings of Currency.— An exchange of goods is always based on a comparison of their respective utilities, *i. e.*, of their values in use to the possessor. But a comparison of values always presupposes a common measure of values. In the form of barter this common measure is implicit in the consciousness of the two parties without being represented by any material denominator. Barter is thus exchange of possessions pure and simple. I exchange my grain today for your fruit, and my adze tomorrow for your knife; that is barter. But when our daily transactions become so far complicated as to require some other article having a permanent and daily use or value for all of us, to be interposed between the grain and the fruit, between the adze and the knife, as a common measure of their values, we have set up a currency and medium of exchange. Thus all the members of our tribe have cocoanuts in varying quantity and can find a use for them every day. I want fruit and you want grain; but, instead of exchanging my grain for your fruit, I give you six pairs of cocoanuts for the fruit I want, and later on you come to me and give me five pairs of cocoanuts for the corn you want. This procedure — one simple transaction at a time containing but the two factors — is uniform for peoples just beginning the use of a medium of exchange. This is simply bartering through a medium, and cocoanuts, say, are our currency. But with the progress of civilization, and with the multiplication and increasing complexity of our wants, we proceed to make those articles which most invariably stir our cupidity and sense of value by attracting to us the attention and services of others into a system of money, which thus makes everywhere explicit and convertible in concrete form our common mental experience of value. Thus currency becomes a common conventional symbol — usable only as a medium of exchange. As, however, commerce reaches its most complicated stages we are able to set up a system of transactions, through the help of this common denominator of value, money, in which system we balance accounts and dispense with the actual handling of the money almost altogether, it simply standing back of the transaction as a guarantee of its faithfulness. Thus, when I want fruit and you want corn, instead of actually exchanging the cocoanuts or the metal money that has taken their place, we may simply set down one cocoanut or one unit of money to your credit in future transactions. This is the system of credit.— COLONEL R. C. TEMPLE, "Beginnings of Currency," in *Journal of the Anthropological Institute of Great Britain and Ireland*, August–November, 1899.

Totemism as a Factor in the Evolution of Religion.—The place of totemism in the history of religion has lately begun to attract considerable attention. To attempt to reduce all forms of plant and animal worship to totemism, or to insist that all religious cults can be traced to it, would be narrow and inexact. But there are certain important considerations which indicate that totemism must be given much value as an element in the growth of religion, as follows:

1. It may fairly be said to be conceded, by most sociologists today who deal with the phase of the subject, that the totem-clan is the earliest distinct social organization known in the evolution of society.

2. Both social and religious aspects of evolution look to the totem-clan as the earliest society of which the members could habitually worship a common deity.

3. The immense importance of sacrificial feasts as means of binding societies together in the worship of a common divinity is widely admitted by students of anthropology, sociology, and theology.

4. The evidence is becoming very strong (see especially Spencer and Gillen's *Native Tribes of Central Australia*) to show that totemism *must* have been a stage in the evolution of religion. In the work above cited it is shown that in the cases observed the whole of the tribe, without regard to totem-clans, is present at the celebration of each and every totem rite and cult. Not only so, but any member of the

tribe may by invitation be the celebrant of any rite, and "need not of necessity belong to the totem with which the ceremony is concerned." In fact, the various clans which compose the tribe have come to "pool" the whole of their cults. Thus the transition from totemism, as it is known elsewhere, to polytheism is here more than half accomplished.

5. That the ritual immolation and the sacramental meal are especially intimately connected with the sanctity of domesticated animals, and that such rites go back to times when the animals in question were rather domesticable than as yet domesticated, are propositions also generally admitted. And at the same time, it is maintained, the animals were totems.—F. B. JEVONS, "The Place of Totemism in the Evolution of Religion," in *Folk Lore*, December, 1899.

A Plan for Controlling the Trusts.—As an example of one of the mos glaring abuses connected with the trusts the present situation in New Jersey may be cited: Under the laws of that state, which make it impossible for the taxing authorities in other states to get at the New Jersey stock held by residents of their respective states for the purposes of taxation, fifteen thousand trusts, combinations, and other corporations are today operating with an aggregate stock legally issued for upward of $8,000,000,000. As the total coin currency of the world is only about $7,600,000,000, it will be seen that the little state of New Jersey has authorized the issuance of stock by corporations to a greater amount than that of all the gold and silver money of the whole world; to such an extent is the unbridled capitalization of stock being carried. On the 21st of last September the trust conference of state governors and attorneys-general at St. Louis suggested by resolution "the enactment and enforcement, both by the several states and the nation, of legislation that shall define as crimes any attempted monopolization or restraint of trade in any line of industrial activity, with provisions for adequate punishment both of the individual and the corporation that shall be found guilty thereof; punishment to the corporation to the extent of dissolution, an efficacious system of reports to state authority by corporations, and the strict examination of all such as are organized under its laws; the prevention of entrance within a state of any foreign corporation for any other purpose than interstate commerce, except on terms that will put it on a basis of equality with domestic corporations, making it mandatory upon foreign corporations to procure state license as a condition precedent to their entry; the enactment of state legislation preventing corporations created in one state from doing business exclusively in other states; providing that no corporation shall be formed in whole or in part from another corporation, or hold stock in another corporation engaged in similar or competitive business; recommending that each state pass laws providing that no corporation which is a member of any pool or trust in that state or elsewhere can do business in that state; that the capital stock of private corporations should be fully paid up, and that shareholders shall be liable to twice the face value of the stock held by each." It may be conceded, for the sake of argument, that these remedies would be efficacious if they could be enforced; but it seems certain that they could not, since the courts have come to assume the real paramount power over legislation in the country. State statutes on this subject have recently been set aside by the supreme court (in the case of Reagon *vs.* Farmers' Loan and Trust Co., 154 U. S. 362), because, in the opinion of the court, they "were unreasonable and unjust." Now, in Art. 3, sec. 2, of the federal constitution there is a largely unused provision governing the action of the supreme court as follows: "In all cases affecting ambassadors, other public ministers, and consuls, and those in which the state shall be party, the supreme court shall have original jurisdiction. In all other cases before mentioned, the supreme court shall have appellate jurisdiction both as to law and fact, *with such* EXCEPTIONS *and under such* REGULATIONS as the Congress shall make." What we need is that Congress shall use this prerogative and *except* some of these subjects of appellate jurisdiction from being exercised by the court. Then we may hope to have legislation which the country needs, successfully exercised by the legislative department of the government.—SYLVESTER PENNOYER, "How to Control the Trusts," in *American Law Review*, November–December, 1899.

Influence of Railway Discriminations on Industrial Corporations.—A monopoly is, by its derivation and in its simplest definition, the giving to one in the

sale of an article an advantage which all do not possess. The central idea of the trust is the combination of large amounts of capital in such enormous transactions as to afford its members monopoly privileges. That railroad discriminations have a marked influence in promoting the trusts is coming to be widely recognized. The conditions of these discriminations are as follows: Previous to the enactment of the act to prevent these abuses it was the usual method for the railroads to give a specially low rate, or pay a rebate, to large shippers, whom it is obviously to the interests of the railroads to encourage. The act made the giving of a lower rate to one shipper than to another a crime for both parties concerned. To escape this provision the favors have been made to take, sometimes the form of an elevator commission, sometimes an excessive car mileage; sometimes to make a particularly long haul cheaper than a shorter haul; sometimes the shipper pays the full interstate rate in consideration that he shall receive preferential rates within the state to which the Interstate Commerce Act does not apply. The effect is to reduce the number of persons with whom these transactions are had to a minimum; both because of the desire of avoiding the risk of detection, and because of the inability of the small dealers to compete. In such large operations the small advantages thus granted to the large dealers often represent more than the entire margin upon which the business is transacted, and are in the aggregate millions of dollars annually. The unavoidable result is to exclude the small competitor more and more from these operations and center the business in the hands of the large competitor.—CHARLES A. PROUTY, "Railway Discriminations and Industrial Combinations," in *Annals of the American Academy of Political and Social Science*, January, 1900.

Publicity the Greatest Need in Our Industrial Development.—That the transition which has in the last few years been rapidly taking place in business from the partnership form of organization to the corporation has been necessitated by economic conditions and has proved of great economic utility is now very generally conceded. The great corporation is properly considered as a useful invention — a valuable industrial machine. But its introduction, like that of every labor-saving invention, has been attended with confusion and hardship. The chief cause that has occasioned and is occasioning these great corporations is the growing impossibility of doing business on the separate competitive basis. Eminent business-men, among them F. B. Thurber for the grocers, some of the foremost insurance men, coal dealers, and merchants of the middle West, agree in the testimony of one of them: "Competition has got us now where the only dress we ought to wear is the cap and bells." Under these conditions it is grotesque to talk about "the rights of independence of the small middle class." Combination and organization on a large scale has been the only available method of meeting the demands of these conditions. But the very size and character of such organization, involving the interests of a large number of stockholders, and of a very much larger public, necessitates a degree of publicity of accounts and methods which has not been at all adequately recognized in the United States. Indeed, most of the evils will be found to center in the underhand methods which no civilized nation except the United States any longer permits. Overcapitalization and the rank abuse of special rates by railroads, increasing the power to crush small dealers and force strikes with employés, are parts of the same corrupting methods. As an instance of the failure to require publicity Dr. von Halle says in his book on *Trusts, or Industrial Combinations and Coalitions in the United States*: "It is one of the most disastrous holes in the corporation law of the United States that stock companies are not forbidden to buy or sell their own securities. In Europe such transactions have been punishable for many years." And the very men who manage the trusts are condemning these evils with most emphasis. The dominating peril of the trust — the peril that includes most others — is the influence of the large corporations upon politics and the bearing this influence has upon economic privileges. The part that certain corporations have played in corrupting the sources of political life in the United States is quite the greatest danger under which the country suffers. And the most drastic condemnation of these practices has not been by the socialists, but by some of the very men who do these things. In this whole matter we are working in the dark; and our cut-throat competition, unjust favors,

disregard of employés' rights, and political corruption are very largely due to the concealment of the conditions with which the business world has to reckon clearly in order to conduct its affairs harmoniously, justly, and profitably. The period of reorganization is upon us. The necessity for publicity will insure the means for securing it, and the strength to guide the movement.— JOHN GRAHAM BROOKS, "The Strength and Weakness of the Trust Idea," in *Engineering Magazine*, December, 1899.

Important Aspects of the Law and Government in America.— It is possible to summarize in a few brief points a general idea of American law, because the virtual authority of the common law of England, common legal traditions, and the intimate social and economic connections between the several states count for a good deal more than their legal independence of each other.

The legislative power of the government has come to be restricted by numerous limitations. To fully appreciate their effect it is necessary to bear in mind (1) that the process of changing the constitution is different from, and much more complicated than, the process of changing the statutory law; in the several states every constitutional amendment must be ratified by popular vote, and other complex provisions must be observed; while an amendment to the constitution of the United States requires the concurrence of three fourths of all the states, a condition hardly to be fulfilled where there is a conflict of interests; (2) that laws contrary to the constitution are treated by the courts as void, and that the courts interpret the constitution in such a manner that the presumption is almost against the validity of a radical change of the laws. Legislative periods of one or two years are the rule, and in most states the legislature meets only every other year. The character of the legislative assemblies leaves room for much improvement.

There is a radical difference in the administrative organization of the United States and the several states. The provision of the federal constitution that all officers shall be appointed either by the president or by a head of department insures a strictly centralized organization for the government of the United States, which, in contrast to that of the German empire for instance, acts exclusively through its own officers and not through the officers of the states. Since 1883 civil-service reform has done much to make clerical appointments non-partisan and permanent.

The whole system of state government, on the contrary, is characterized by an extreme decentralization. The organization of the administration is fixed almost altogether by the constitution; only some parts of the central and the details of the local organization being left to be regulated by the legislature. The most important administrative functions are in the hands of the local communities. The highest state officials are responsible directly to the people who elect them, and thus in their official functions are independent of the governor. The most important function of the latter is his concurrence in legislation through the veto power. Civil-service reform principles have been introduced into but few states and cities. In the cities there is at present a strong tendency to concentration of power, particularly in the mayor. The administrative organization of the city government is thus, in many respects, similar to that of the United States.

Since all the higher offices are generally either elective or appointive for fixed terms, the civil service does not offer a life career, and there can be no official class. On the other hand, purely honorary officers are almost entirely unknown. An official as such has no special social standing, if we except those who fill the highest offices. Thus the best people are not always willing to accept offices, though naturally there is never a lack of candidates for any office.

The position of the courts is of the greatest importance in respect to government as well as law. There is hardly any administrative independence as against the courts. They are all administrative courts in the German sense of the word. Thus the states, with their decentralized organization, secure orderly administration of official functions only by detailed statutory regulation bringing them under the direction of the courts. The judges are almost everywhere elected, but their generally long terms and responsible positions make the office rank much higher on the whole than that of other officials.

Criminal procedure is dominated by the institution of the jury. But if the defendant has sufficient means, a trial can be long drawn out and a verdict had on the ground of formal errors. Criminal justice is thus often felt to be inadequate, and cases of lynching are not rare, especially in the southern states and in the cases of the negroes.

In regard to form as well as matter, statutory legislation leaves much to be desired; the lack of uniformity between laws of different states is sometimes striking; and as long as the methods of legislation are not greatly improved, it is to be hoped that legislatures will deal with private law as little as possible. — DR. ERNST FREUND, "Government and Law in America," in *American Law Review*, January–February, 1900 (translated from *Deutsche Juristen-Zeitung*, Berlin).

The Genius of Invention among Women.—Nietzsche says that woman has only to aspire to attain the same degree of mental superiority that her male contemporary enjoys. An inspection of the products of the inventive powers of the female mind throws an interesting light upon this statement of Nietzsche. Among the articles and processes for which patents have been granted to American women we find a corset (in 1815 and again in 1841), an ice-cream freezer, building bricks to be used without mortar, various electric and extractive appliances, a washing machine, sub-marine telescope, shirt for men, rocking-chair, fountain-pen, locomotive wheel, operating table for use in surgery, various cosmetics, button-hole machine, and processes for the fixation of colors and the desulphurization of minerals. Among the most interesting is a hammock for two, a mud-guard for men's pantaloons, and a mustache protector. Previous to 1860 the United States had granted to women less than a dozen patents, but in the last two decades the number of patents granted to women has risen above several hundreds. The greater part of the patents have been granted for articles of furniture, machines for cloth and fabric working, toys, musical instruments, pharmaceutical preparations, household conveniences, and agricultural machines. The financial returns from these patents is often considerable; one woman realized five thousand dollars from her royalty on a glove buttoner; another was not less successful with a corset support. The most remunerative articles have been games and children's toys. The commercial world is ever on the lookout for new productions in these fields and is willing to pay well for an invention which strikes the fancy of the buying public. Many women in the United States have patented several articles and enjoy comfortable incomes from the sale of the same.

The French woman has certain natural gifts which would seem to fit her peculiarly to be the rival of her American sister in the inventive field; she is quick of eye and deft of hand; she has a bright and flexible mind; but nevertheless she seems to lack something — mayhap the patience, mayhap the incentive — necessary to her success in the sphere of inventive genius. There is danger of overestimating her shortcoming in this respect, however. Very recently the French woman has shown great activity in perfecting inventions; she seems about to dispute the field with her sisters of the far West, at least in point of number of inventions. The nature of the inventions must be confessed to be somewhat fanciful in many instances. Thus we find among the articles recently patented by French women a comb by means of which liquids can be more readily brought into contact with the scalp, a cigar wrapper made from compressed rose leaves, *mise en scène* fitted for the parodying of the serpentine dance by various animals, an aromatic antiseptic toothpick, a galvanic belt, an appliance for preventing the mispairing of overshoes, a vehicle for aërial and maritime navigation, a *portfleurs* in the shape of a butterfly, an appliance for writing in the pocket, a skirt for female bicyclists, and a surgical bandage. From this list it cannot be said that the inventive genius of the French woman has shown itself of an ultra-practical nature. The French woman shows herself particularly apt in the invention of articles of adornment and wearing apparel, and in the field of toys and games she is perhaps unexcelled.—DR. A. DE NEUVILLE, "De génie de l'invention chez les femmes," in *Revue des revues*, January, 1900.

Exact Methods in Sociology.—Exact method in social research is statistical. The development and application of this method to social problems has been one of the most striking scientific achievements of the present century. The whole

field of descriptive sociology is being more and more exhaustively studied by statistical methods that are yearly improving in precision. No science is making surer and better progress in the development of this method than is sociology. But it is most important to note that the first step in the application of the statistical method is classification, that the starting-point of all classification is resemblance, and that this coefficient of resemblance which I have contended is a mark of social phenomena is the basis of all social statistics — of all application of the statistical method in sociology. The most significant fact is that from the first known beginnings of statistical research to the present time all extension of the statistical method has been due to my consciousness of kind; the census taken in Greece in 594 B. C. and most of the refinements of statistical inquiry of these later years alike are due to this one cause. In making provision for the taking of our own census consciousness of kind, rather than general utility or the interests of science, was the one thing which prevented Congress from denying, without a moment's hesitation, the appropriations necessary for the prosecution of costly inquiries relative to religious denominations, labor organizations, distribution of wealth, etc.— FRANKLIN H. GIDDINGS, PH.D., "Exact Methods in Sociology," in *Appleton's Popular Science Monthly*, December, 1899, pp. 145–59.

The Criterion of Progress.— Progress is made through *the law of least effort*. Man has sought to procure the useful through the least expenditure of effort, and all history of invention conforms to that law. One characteristic of progress is *the increase of man's power over things*. The suppression of slavery is an act which demonstrates the second characteristic of progress: the emancipation of the individual from the oppression of another individual. This emancipation shows itself in the relation of capital and labor. The idea of patronage is only a survival of patriarchal and feudal traditions. It has disappeared in England and America. The contract of labor is more and more assuming the character of a contract of exchange which assures the independence of the contracting parties. Both parties negotiate on a plane of equality, and the progressive employer renounces the desire to impose religious, moral, or political restrictions upon the employed. In the case of most peoples the mode of acquisition considered for a long time as the most noble was violence. It survives still among many people living in civilized nations who think that they cannot become rich except through the exploitation of others. The idea of exchange has cost a great struggle. The transformation of an enemy into a client is a conception which implies a series of very highly developed intellectual efforts: comparison of objects, estimation of reciprocal values, conclusion and execution of a contract. All these efforts have habituated man to think and decide for himself and not before an external authority. They have prepared him for discovery, invention, and freedom from the yoke of tradition and sacerdotalism. They have increased his individuality. The separation of the individual from both man and things grows more complete. According to the observation of M. Sumner Maine, the progressive evolution of societies consists in substituting contract for the arrangement of authority.

While the idea of contract has emancipated the individual, publicists who have essayed to establish it theoretically as the basis of the existence of societies have desired to make it an instrument for crushing the individual. The false conception of social contract of Hobbes and Rousseau dominated the Revolution, and continue to dominate the greater part of our publicists and politicians. The written and positive constitutions are affirmations of right: such are the Bill of Rights of 1689 in England, the constitution of the United States of 1787, and finally the French constitution of 1791.

In these acts men designated certain things as held in common; but they took care to specify those which they intended expressly to reserve, and these took the name of liberties. Every recognized right fixed in a constitution is a conquest of the arbitrary to the advantage of the individual; it is the substitution of contract for oppression.

That which distinguishes political from commercial contract is that the latter has for its object the exchange of services or of merchandise, with gain, while political contract ought to have for its object only the assurance of the security of the action of participants.

The state, or more properly the government, has a positive and a negative duty:

1. The state ought to adminis er the common interests which cannot be divided without being destroyed, as exte nal and internal security.

2. The state ought to do only what private initiative is incapable of doing, and this in the interest of all; nor should it undertake any enterprise for profit. Such is the theory of Quesnay, Turgot, Mirabeau, Humboldt, Labaulaye, Cobden, John Bright, Herbert Spencer, and of all individualists. This is the basis of the declaration of the rights of man and conforms to all the facts which distinguish the landmarks of human progress. It is opposed to the liberty of others which calls upon any power other than that of the individual. Necessity is the criterion of such intervention. The positive duty of government is, according to M. G. de Molinari, to secure the liberty of the multitude.

That which men call their right is the consciousness of their individuality. The individual is a reality; and, notwithstanding his theory of the utility of the greatest number, Bentham has been obliged to recognize that "the individual interests are the only real interests." In an individualistic society man is not only a means, but is its proper end. Coöperation of effort is more assured as the division of labor is established. The state is static; its dynamic effects proceed from individualities and minorities. For the most part the great governments have denied or recoiled from, when they have not persecuted the originators of, the great discoveries and inventions.

Sacerdotalism and the army are the two great institutions which have, in all countries, been the great obstacles to progress, opposing all new truth and all reformers. Sacerdotalism is dominated by tradition. Militarism rests on passive obedience. In spite of appearances to the contrary, the great effort of the nineteenth century is to substitute scientific and productive for sacerdotal and military civilization. All efforts to the contrary have as their ideal a regression, a reversion to an ancestral type. Saint Simon rightly perceived the criterion of progress which can be expressed in the following formula: "Progress is in direct ratio to man's action upon things, and in inverse ratio to the coercive action of man upon man."—YVES GUYOT, "Le critérium du progrès," in *Journal des Économistes*, December 15, 1899.

British Municipal and Educational Legislation in 1899.—No enactments making any organic constitutional changes, and, with the exception of the act for the relief of the beneficed clergy of the established church from a portion of the local taxation hitherto charged on tithe rents, no measures over which there were any party conflicts, were passed in the 1899 session of the British Parliament. The legislation of 1899 was of a domestic character. There were several acts making noteworthy changes in, or extensions to, the powers of municipal governments, and three measures amending the elementary- and secondary-education systems.

The chief measures of the session were the act for the establishment of metropolitan boroughs in London; the act breaking down the monopoly hitherto existing in respect to telephone communication; the act creating the board of education, taking over the supervision of education, which since 1839 has been in the hands of the Committee of the Privy Council for Education; the Small Dwellings Acquisitions Act; the Tithe Rent Charge Act; the act transferring the early stages of private legislation for Scotland from Westminster to Scotland; and the act raising from eleven to twelve years the age at which children may begin work as half-timers.—EDWARD PORRITT, "British Municipal and Educational Legislation in 1899," in *Yale Review*, November, 1899.